## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF INFORMATION ASSOCIATED WITH MULTIPLE FACEBOOK USER ACCOUNTS THAT ARE STORED AT PREMISES CONTROLLED BY FACEBOOK INC.

Case No. 5:16-mj-168

Filed Under Seal

# AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

State of South Dakota	)
	) ss
County of Pennington	)

I, Christian M. Corwin, being first duly sworn, hereby state as follows:

# INTRODUCTION AND AGENT BACKGROUND

- 1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since January 2009. I have received law enforcement training from the FBI Academy in Quantico, Virginia. Currently, I am assigned to the Minneapolis Division, Rapid City Resident Agency, and primarily assigned to investigate Indian Country violations. I have also investigated a variety of other types of crimes and these investigations have included the use of surveillance techniques, undercover activities, interviewing of subjects and witnesses, as well as planning and execution of search, arrest, and seizure warrants.
- 2. The information set forth below is based upon my knowledge of an investigation conducted by other FBI Special Agents and other law enforcement agents and officers including, but not limited to, the Bureau of Indian Affairs

(BIA), the Oglala Sioux Tribe Department of Public Safety (OSTDPS), and the Pennington County Sheriff's Office.

- 3. I make this affidavit in support of an application for a search warrant for information associated with multiple Facebook user accounts that are stored at premises owned, maintained, controlled, or operated by Facebook Inc. ("Facebook"), a social networking company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachments A and B. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Facebook to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the following Facebook user accounts: Username "Cante Suta Win." associated with user Annie Colhoff, Facebook Account 100007962225260; Username "Lisa High Wolf" with Facebook account name "lis.wolf.9"; and Username "Ty Schae Brewer" associated with user Tyler Schae Brewer with Facebook Account name "Tyschae"; Username "Stevie Makesgood" with Facebook account name "stevie.makesgood".
- 4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that evidence of violations of 18 U.S.C. §1111, Murder, are present in the accounts of Facebook users Username "Cante Suta Win," associated with user Annie Colhoff, Facebook Account # 100007962225260; Username "Lisa High Wolf" with Facebook account name "lis.wolf.9"; and Username "Ty Schae Brewer" associated with user Tyler Schae Brewer with Facebook Account name "Tyschae"; Username "Stevie Makesgood" with Facebook account name "stevie.makesgood". There is also probable cause to search the information described in Attachment A for evidence, contraband, or fruits of these crimes, as further described in Attachment B.

## **PROBABLE CAUSE**

6. On September 29, 2016, Anja Little Hawk was at the residence of Chunta Suta Wi Colhoff, a/k/a Annie Colhoff, in Pine Ridge, SD. In the late afternoon or early evening hours, Tyler Schae Brewer drove to the residence along with a male, now identified as Orlando Guadalupe Jose Ephron Villanueva de Macias, and another female, Stevie Makes Good. They arrived at Colhoff's residence in Brewer's car, a 2003 silver Oldsmobile Alero. Little Hawk witnessed Colhoff and Villanueva engage in a heated exchange. At one point Colhoff was holding a knife and possibly cut Villanueva on his leg. Then Little Hawk saw Villanueva shoot Colhoff multiple times at approximately 8 p.m, just outside of Colhoff's residence. Colhoff later died as a result of her gunshot injuries. Little Hawk reported Villanueva attempted to re-enter Brewer's vehicle but is was locked and the keys could not be located. Villanueva broke a window of Brewer's

vehicle, took out a bag, and then Brewer, Villanueva, and the Makes Good fled the area on foot. Law enforcement found Brewer's vehicle parked at Colhoff's residence. Little Hawk spoke to emergency assistance and was known by others to have witnessed the murder.

7. Prior to her death, Colhoff utilized Facebook account username "Cante Suta Win," with Facebook account # 100007962225260. It appears from looking at the public access portion of her Facebook account, that she would regularly use the account to detail her location, what she was doing and who she was with. She also has on her public access page conversations with known associates or family of persons related to the death of Vinny Brewer, further described below. This includes a messenger conversation with Misty Garnier, a relative of Tiffanee Alford a/k/a Tiffanee Garnier, a co-conspirator in Vinny Brewer's murder. I also observed drug references on her public access page including taking about someone coming by her house to "blaze," which I know to be a common reference to smoking marijuana. On September 29, 2016, at 1:30 pm, Colhoff shared a post from Toyer James that he posted at 8:58am that said: "BIG BUST IN RIDGE BOUT TO HAPPEN LOTS OF FEDS HEADING THAT WAY FROM HERMOSA SO IF YOU KNO SOMEONE WHO KNOWS SOMEONE." Besides sharing Toyer James post, it also appears Colhoff was posting on her public access page on the day of her death and the information in the non-public portion of her page may assist law enforcement in establishing a timeline of the Colhoff's activities and movements in the days prior to her murder, as well as her connections to Villanueva, Brewer, and other associates.

- 8. On September 30, 2016, Tyler Schae Brewer's family contacted law enforcement and advised Tyler Schae Brewer had been forced into a vehicle and kidnapped by a Mexican male, possibly named "Chris." Tyler Schae Brewer's family informed law enforcement that she typically utilized cellular telephone number (605) 407-2947.
- 9. On September 30, 2016, law enforcement executed an exigent circumstances request with AT&T to obtain location information from Tyler Schae Brewer's cellular telephone. No location information was available. AT&T advised this could be the result of the mobile device being powered off, out of the service area or in an area where location information was not currently available.
- 10. Later on September 30, 2016, Tyler Schae Brewer's family contacted law enforcement and advised that she had made telephonic contact with a relative using telephone number (720) 451-7479. The relative believed Tyler Schae Brewer sounded under duress during the call and provided only vague information concerning her whereabouts when asked. Based on this new information, law enforcement executed an exigent circumstances request with the cell phone provider to obtain location information from the cellular phone with number (720) 451-7479. At 11:01 a.m. on September 30, 2016, FBI received a "ping" location information for phone number (720) 451-7479 in the state of Colorado.
- 11. At approximately 3 p.m. on September 30, 2016, law enforcement in Colorado began physically tracking the "ping" location information in the Denver area. At approximately 11 p.m., law enforcement made contact with

Tyler Schae Brewer and two males in a Wal-Mart parking lot in Denver. The males were identified as Villanueva and Myles Jacob Tuttle. Tyler Schae Brewer informed law enforcement that she travelled to the Denver area three to four days earlier with a female cousin and was in Denver on September 29 at the time of the Colhoff shooting in Pine Ridge. She stated she had been staying at a Motel 6 but could not identify where the motel was located. Tyler Schae Brewer also reported that she had met the two males she was with a month ago, but did not know their names. When law enforcement confronted Tyler Schae Brewer about her truthfulness, she confirmed her earlier statements. Tuttle informed law enforcement that he had been with Tyler Schae Brewer and Villanueva the previous day in South Dakota.

- 12. Villanueva informed law enforcement he had been in Colorado the previous week with Tuttle and Tyler Schae Brewer. Villanueva was then arrested on an unrelated warrant. When he was booked at the jail, law enforcement officers observed an approximate 7cm cut on his left lower leg. Above the 7cm cut was another cut approximately 2cm in length. Villanueva stated he received these cuts walking through the bush.
- 13. Anja Little Hawk was shown a photograph of Villanueva at approximately 12:40 a.m. on October 1, 2016. Little Hawk identified Villanueva as the person who shot Annie Colhoff on September 29, 2016.
- 14. On September 30, 2016, after Colhoff's murder, Vinny Brewer, Tyler Schae's brother, posted on his publicly accessible Facebook page a post indicating that Tyler Schae Brewer had not been kidnapped as part of the Colhoff

murder and flight from the scene. From this post, it appeared to law enforcement that Vinny Brewer had knowledge of the Colhoff murder, or at least Tyler Schae's involvement and location after the murder. These posts were later removed from Brewer's public access Facebook page. Vinny Brewer's account of Tyler Schae's involvement differed from that of other family members, including their sister Schaevon Brewer, who posted the day after Colhoff's murder that her "sister was last seen at Annie's after the shooting and being forced to get in the car and we haven't heard from her since." Schaevon Brewer then asks for persons with information to come forward. Given that Tyler Schae informed law enforcement in Colorado that she had not been kidnapped and went willingly to Colorado, Vinny Brewer was the one with the correct account of the situation. indicates that it was likely Vinny was communicating with Tyler Schae after Colhoff's murder and such conversation may have occurred on Tyler Schae's private access Facebook page where she would be capable of controlling which one of her "friends" received what particular information. Tyler Schae Brewer's known Facebook account is username "Ty Schae Brewer" with Facebook Account name "Tyschae".

15. Sometime during the first week of October 2016, Tiffanee Alford, a/k/a Tiffanee Garnier, a/k/a Tiffanee Waters (hereinafter Alford), called Fred Bagola. Bagola is related to Anja Little Hawk, the previously-discussed eye witness to the Colhoff murder. Alford asked Bagola about Little Hawk's location and requested that Bagola inform Little Hawk that if she testified her situation would get worse. Bagola later informed Little Hawk about Alford's phone call.

- 16. Also during the first week of October 2016, Anja Little Hawk saw Vinny Brewer. She informed Vinny Brewer that she was scared after witnessing Colhoff's murder. Vinny Brewer informed Little Hawk that he was also scared and that they were next. Vinny Brewer did not further explain this comment to Little Hawk, but her impression was that Vinny Brewer appeared to know more about the situation than he was telling her and believed both of them were in danger, related to the Annie Colhoff murder.
- 17. On October 16, 2016, at approximately 3:00 p.m., two vehicles occupied by at least three unknown males and Tiffanee Alford arrived at the Boys and Girls Club in Pine Ridge, South Dakota. The males exited the two vehicles holding firearms and, at least two of them, wearing masks. Vinny Brewer, a witness, and several children were in the parking lot area where the children were playing. Initially the males pointed one or more of the firearms at the witness. Alford then exited one of the vehicles and redirected the males from the witness to Vinny Brewer, identifying him by name. After a brief physical assault, two or more of the males then shot Vinny Brewer approximately seventeen times. Brewer died immediately from his gunshot injuries. Initial reporting indicated the vehicles occupied by Alford and the males were possibly a tan Chrysler Sebring and either a gold or brown Chevrolet Monte Carlo, or a gold or brown Chevrolet Impala. Alford and the three males then left the scene.
- 18. The number and type of guns involved is unknown but at least two rifles and a handgun were involved, possibly an SKS and 9mm, because casings

matching those gun calibers were located at the scene and also the bullet fragments taken from Vinny Brewer's body at his autopsy.

- 19. Tiffanee Alford has an active warrant in Pennington County, South Dakota, for violating a release condition. Her current driver's license was issued in Colorado in June 2016 and lists her current address in Denver, CO.
- 20. On October 17, 2016, four individuals in White Clay, NE, found a 2002 gold Honda Accord with Nebraska plates with keys inside. They took the Honda to a local body shop where the proprietor noticed blood on the car and reported it to law enforcement. Based on the fact that the Honda had been abandoned, BIA Special Agents requested the Honda be transported via tow truck to the Justice Center in Pine Ridge. Law enforcement also observed blood on the driver-side rear door, and on the backseat of the Subject Vehicle.
- 21. The Honda is registered to Alvin White Singer and Whitney Tuttle, with an address in Rapid City. Myles Tuttle, the male found with Tyler Schae Brewer and Villanuava in Colorado, is Whitney Tuttle's brother. On October 17, 2016, law enforcement spoke to Whitney Tuttle and White Singer. They advised that Myles Tuttle had borrowed the vehicle to go to the store on October 16, 2016. Myles Tuttle was the last person to drive the vehicle. They also advised their vehicle should have South Dakota license plates, not Nebraska plates. The vehicle registration lists the SD license plate number as 9EV499. Whitney Tuttle and White Singer consented to the search of their vehicle.
- 22. Lisa Highwolf is Vinny and Tyler Schae Brewers' mother. She utilizes Facebook username "Lisa High Wolf" with Facebook account name

"lis.wolf.9". After her son's murder, Lisa High Wolf repeatedly posted on her public access Facebook page regarding her knowledge about her son's murder and those involved. In one post she wrote, "I am I'm (sic) going to kill some motherfuckers and kill myself I know the families if (sic) these stupid fuck since everyone else is scared of them I'm not!!! This is our homeland!!! Show you fuckers how this is done and fuck Bobby Looez (sic) and a bitch named Red Fawn!!!!". I know "Bobby Looez" to likely be Bobby Lopez, a victim of a prior assault by Vinny Brewer for which Vinny Brewer was federally prosecuted. I also know "Red Fawn" is probably Red Fawn Janis. The above quoted Facebook post was taken down almost immediately after it was posted. Lisa High Wolf also posted, "All I ever needed in life were my two babies to handle anything!! TySchae Brewer and Vinny Brewer III now one is dead and the other in jail because she won't talk cause (sic) she's scared for her family but they kill by son any fuvking (sic) way!! Man fucked up shit!!". In this post she appears to know more than she is willing to write on her public access page. Again, this post was taken down quickly after it was posted.

23. On October 18, 2016, members of the Oglala Sioux Tribe Department of Public Safety, the tribal Attorney General and the Tribal Chairman, held a press conference regarding Vinny Brewer's shooting, stating that they believed it to be drug-related. Immediately thereafter, Lisa High Wolf posted on her Facebook page that her son "did drugs but that isn't the reason you dumb fucks!!!". Again, this shows Lisa High Wolf has direct knowledge regarding her son's murder, but is not willing to post it on her public page. In

my experience, persons who utilize Facebook in this fashion often provide more information on their private access pages, than on their public access pages because they can control who receives the information.

On October 19, 2016, law enforcement interviewed Stevie Makes 24. Good. She denied being present when Colhoff was shot on September 29, 2016. Makes Good utilizes Facebook username "Stevie Makesgood" with Facebook account name "stevie.makesgood." In the public access Facebook page, Stevie had multiple exchanges and posts with both Vinny Brewer III and TySchae Brewer. As one example, on September 11, 2016, Makes Good posted "When u miss some one but u remember what they did to u smfh imam catch a murder case Imao jk." That same day, TySchae Brewer posted in response to Makes Good, "Same here! Lol". This shows that Makes Good had relationships with Vinny and TySchae Brewer on the public access portions of Facebook and would, in my training and experience, likely have further interaction with them on the private access page. On September 29, 2016, at 4:00 a.m., the day of Colhoff's shooting, Makes Good posted on her public access page: "Eww when bitches approach me n they ain't even about that life stupid ass bitches ain't about that action u have a big mouth that's all N if you Gonna act like a badd ass then imma fukn start laying bitches tf out on some real niigga shit." In this post Makes Good appears to be upset about something or someone that she chose not to explain on her public access page. In my training and experience, she will have more information on her private access pages. Makes Good's next public post was on October 2, 2016, at 12:55 p.m.: "What's good rapid I'm chillin at the

holiday in been hmu I'm bored." From this post, it appears that Makes Good went to Rapid City shortly after Colhoff's shooting. In my training and experience, she will have more information on her private access pages about her movement and contacts after Colhoff's death.

25. The village of Pine Ridge is within the exterior boundaries of the Pine Ridge Indian Reservation. I have verified Colhoff and Vinny Brewer were enrolled members of the Oglala Sioux Tribe.

### **INFORMATION ON FACEBOOK**

- 25. Facebook owns and operates a free-access social networking website of the same name that can be accessed at <a href="http://www.facebook.com">http://www.facebook.com</a>. Facebook allows individuals to specifically communicate with another person through a Facebook application called "Messenger." In my training and experience, people who engage in online criminal activity often also utilize Facebook to meet victims and other offenders and to chat. Even if Facebook was not utilized in the chat at issue, there is probable cause to believe there will be evidence regarding the online solicitation of minors within the target Facebook account.
- 26. Facebook owns and operates a free-access social networking website of the same name that can be accessed at http://www.facebook.com. Facebook allows its users to establish accounts with Facebook, and users can then use their accounts to share written news, photographs, videos, and other information with other Facebook users, and sometimes with the general public.
- 27. Facebook asks users to provide basic contact and personal identifying information to Facebook, either during the registration process or

thereafter. This information may include the user's full name, birth date, gender, contact e-mail addresses, Facebook passwords, Facebook security questions and answers (for password retrieval), physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Facebook also assigns a user identification number to each account.

- 28. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.
- 29. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create "lists" of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other

account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

- 30. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post "status" updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming "events," such as social occasions, by listing the event's time, location, host, and guest list. In addition, Facebook users can "check in" to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user's profile page also includes a "Wall," which is a space where the user and his or her "Friends" can post messages, attachments, and links that will typically be visible to anyone who can view the user's profile.
- 31. Facebook allows users to upload photos and videos, which may include any metadata such as location that the user transmitted when s/he uploaded the photo or video. It also provides users the ability to "tag" (i.e., label) other Facebook users in a photo or video. When a user is tagged in a photo or video, he or she receives a notification of the tag and a link to see the photo or video. For Facebook's purposes, the photos and videos associated with a user's account will include all photos and videos uploaded by that user that have not been deleted, as well as all photos and videos uploaded by any user that have that user tagged in them.

- 32. Facebook users can exchange private messages on Facebook with other users. These messages, which are similar to e-mail messages, are sent to the recipient's "Inbox" on Facebook, which also stores copies of messages sent by the recipient, as well as other information. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile. In addition, Facebook has a Chat feature that allows users to send and receive instant messages through Facebook. These chat communications are stored in the chat history for the account. Facebook also has a Video Calling feature, and although Facebook does not record the calls themselves, it does keep records of the date of each call.
- 33. If a Facebook user does not want to interact with another user on Facebook, the first user can "block" the second user from seeing his or her account.
- 34. Facebook has a "like" feature that allows users to give positive feedback or connect to particular pages. Facebook users can "like" Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become "fans" of particular Facebook pages.
- 35. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.
- 36. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to

the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

- 37. Facebook Notes is a blogging feature available to Facebook users, and it enables users to write and post notes or personal web logs ("blogs"), or to import their blogs from other services, such as Xanga, LiveJournal, and Blogger.
- 38. The Facebook Gifts feature allows users to send virtual "gifts" to their friends that appear as icons on the recipient's profile page. Gifts cost money to purchase, and a personalized message can be attached to each gift. Facebook users can also send each other "pokes," which are free and simply result in a notification to the recipient that he or she has been "poked" by the sender.
- 39. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.
- 40. In addition to the applications described above, Facebook also provides its users with access to thousands of other applications ("apps") on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user's access or use of that application may appear on the user's profile page.
- 41. Facebook uses the term "Neoprint" to describe an expanded view of a given user profile. The "Neoprint" for a given user can include the following information from the user's profile: profile contact information; News Feed

information; status updates; links to videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends' Facebook user identification numbers; groups and networks of which the user is a member, including the groups' Facebook group identification numbers; future and past event postings; rejected "Friend" requests; comments; gifts; pokes; tags; and information about the user's access and use of Facebook applications.

- 43. Facebook also retains Internet Protocol ("IP") logs for a given user ID or IP address. These logs may contain information about the actions taken by the user ID or IP address on Facebook, including information about the type of action, the date and time of the action, and the user ID and IP address associated with the action. For example, if a user views a Facebook profile, that user's IP log would reflect the fact that the user viewed the profile, and would show when and from what IP address the user did so.
- 44. Social networking providers like Facebook typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Facebook about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Facebook typically retain records about such communications, including records of contacts between the user and the provider's support

services, as well as records of any actions taken by the provider or user as a result of the communications.

As explained herein, information stored in connection with a 45. Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's "Neoprint," IP log, stored electronic communications, and other data retained by Facebook, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Facebook logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, Facebook builds geo-location into some of its

services. Geo-location allows, for example, users to "tag" their location in posts and Facebook "friends" to locate each other. This geographic and timeline information may tend to either inculpate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

46. Therefore, the computers of Facebook are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

#### INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

47. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Facebook to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

#### REQUEST/JUSTIFICATION FOR ORDER OF NONDISCLOSURE

48. The United States respectfully applies for an order of nondisclosure to Facebook under 18 U.S.C. § 2705(b) regarding the account associated with username "Vinny Brewer III" and Facebook ID: 100005343314705. The United States is seeking this search warrant for user information, including all names, addresses, IP addresses, including historical, telephone numbers, other email addresses, information on length and types of services and any means of payment related to these accounts under the authority given by 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A). Based on § 2703(c)(3), the United States is not required to provide notice to the subscriber. Under § 2705(b), the United States may apply to the court for an order commanding Facebook not to notify the subscriber of the existence of the search warrant. The court may decide what length of time shall apply to the order of nondisclosure if the court determines the notification to the subscriber could result in one of the five factors listed in the statute, which includes destruction of or tampering with evidence. 18 U.S.C. § 2705(b)(3). The basis for the request is that such disclosure could cause any person with access to the accounts, or any related account or account information, to tamper with or modify the content or account information and thereby destroy or tamper with evidence and otherwise seriously jeopardize the investigation. Especially due to the ease of access to Facebook, its content can be modified by persons with internet access and sufficient account information. As such, the United States respectfully requests this Court enter an order commanding Facebook not to notify the user of the existence of this warrant.

#### REQUEST FOR SEALING

49. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

### CONCLUSION

- 50. Based on the forgoing, I request that the Court issue the proposed search warrant.
- 51. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A).
- 52. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

Dated: 10/21/21/

Christian M. Corwin, Special Agent Federal Bureau of Investigation

SUBSCRIBED and SWORN to in my presence this **Jist** day of October, 2016.

DANETA WOLLMANN

U.S. MAGISTRATE JUDGE